UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/RES/1006 (1995)
28 July 1995

RESOLUTION 1006 (1995)

Adopted by the Security Council at its 3558th meeting, on 28 July 1995

The Security Council,

Recalling its resolutions 425 (1978) and 426 (1978) of 19 March 1978, 501 (1982) of 25 February 1982, 508 (1982) of 5 June 1982, 509 (1982) of 6 June 1982 and 520 (1982) of 17 September 1982, as well as all its resolutions on the situation in Lebanon,

Having studied the report of the Secretary-General on the United Nations Interim Force in Lebanon of 19 July 1995 (S/1995/595) and taking note of the observations expressed therein,

Taking note of the letter dated 10 July 1995 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General (S/1995/554),

Responding to the request of the Government of Lebanon,

1. Decides to extend the present mandate of the United Nations Interim Force in Lebanon for a further period of six months, that is until 31 January 1996;

2. Reiterates its strong support for the territorial integrity, sovereignty and independence of Lebanon within its internationally recognized boundaries;

3. Re-emphasizes the terms of reference and general guidelines of the Force as stated in the report of the Secretary-General of 19 March 1978 (S/12611), approved by resolution 426 (1978), and calls upon all parties concerned to cooperate fully with the Force for the full implementation of its mandate;

4. Reiterates that the Force should fully implement its mandate as defined in resolutions 425 (1978), 426 (1978) and all other relevant resolutions;

5. Condemns the increase in acts of violence committed in particular against the Force and urges the parties to put an end to them;

6. Concurs with the streamlining of the Force, described in paragraph 11 of the report of the Secretary-General and stresses that its implementation will not affect the operational capacity of the Force;

7. Requests the Secretary-General to continue consultations with the Government of Lebanon and other parties directly concerned with the implementation of the present resolution and to report to the Security Council thereon.

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Security Council

Distr.
GENERAL

S/RES/1007 (1995)
31 July 1995

RESOLUTION 1007 (1995)

Adopted by the Security Council at its 3559th meeting, on 31 July 1995

The Security Council,

Recalling the provisions of its resolutions 841 (1993) of 16 June 1993, 861 (1993) of 27 August 1993, 862 (1993) of 31 August 1993, 867 (1993) of 23 September 1993, 873 (1993) of 13 October 1993, 875 (1993) of 16 October 1993, 905 (1994) of 23 March 1994, 917 (1994) of 6 May 1994, 933 (1994) of 30 June 1994, 940 (1994) of 31 July 1994, 944 (1994) of 29 September 1994, 948 (1994) of 15 October 1994, 964 (1994) of 29 November 1994 and 975 (1995) of 30 January 1995,

Recalling General Assembly resolutions 46/7 of 11 October 1991, 46/138 of 17 December 1991, 47/20 A and B of 24 November 1992 and 20 April 1993, respectively, 47/143 of 18 December 1992, 48/27 A and B of 6 December 1993 and 8 July 1994, respectively, 48/151 of 20 December 1993, 49/27 A and B of 5 December 1994 and 12 July 1995, respectively, and 49/201 of 23 December 1994,

Having considered the report of the Secretary-General of 24 July 1995 (S/1995/614) on the work of the United Nations Mission in Haiti (UNMIH),

Supporting the continuing leadership by the Secretary-General of the United Nations and the Secretary-General of the Organization of American States in the efforts of the United Nations and the Organization of American States to assist with political progress and stability in Haiti,

Supporting also the role of UNMIH in assisting the Government of Haiti in its efforts to maintain a secure and stable environment as called for in resolution 940 (1994),

Stressing the importance of free and fair municipal, legislative and presidential elections in Haiti as crucial steps in the complete consolidation of democracy in Haiti,

Welcoming the commitment of the international community to assist and support the economic, social and institutional development of Haiti and recognizing the importance of such assistance in sustaining a secure and stable environment,

Commending all efforts to establish a fully functioning, national police force of adequate size and structure, necessary for the consolidation of democracy and revitalization of Haiti's system of justice and noting the key role played by the civilian police component of UNMIH in creating such a police force,

Underlining the need to keep under review the progress of UNMIH's fulfilment of its mandate,

1. Commends UNMIH on its successful efforts, as authorized in resolution 940 (1994), to assist the Government of Haiti in sustaining a secure and stable environment, protecting international personnel and key installations, establishing the conditions for holding elections, and professionalizing the security forces;

2. Expresses thanks to UNMIH and the International Civilian Mission (MICIVIH), and to States contributing to these Missions, for their assistance with the municipal and legislative elections held on 25 June 1995 and looks forward to their continuing efforts as Haiti prepares for the completion of these elections and for subsequent presidential elections;

3. Commends the people of Haiti for their peaceful participation in the first round of municipal and legislative elections and calls upon the Government and political parties in Haiti to work together to ensure that the remaining municipal and legislative elections and the presidential elections to be held at the end of this year are conducted in an orderly, peaceful, free and fair manner, in accordance with the Haitian Constitution;

4. Expresses its deep concern with irregularities observed in the first round of municipal and legislative elections and urges all parties to the process to pursue every effort to ensure that such problems are corrected in future balloting;

5. Welcomes the continuing efforts of President Jean-Bertrand Aristide to work towards national reconciliation and calls upon the Secretaries-General of the United Nations and the Organization of American States, respectively, to continue to render all appropriate assistance to the Haitian electoral process;

6. Reaffirms the importance of a fully functioning, national police force of adequate size and structure to the consolidation of democracy and revitalization of Haiti's system of justice;

7. Notes the key role played by the civilian police component of UNMIH in establishing such a police force;

8. Recalls the commitment of the international community to assist and support the economic, social and institutional development of Haiti and stresses its importance for sustaining a secure and stable environment in Haiti;

9. Decides, in order to achieve the objectives established in resolution 940 (1994), to extend the mandate of UNMIH for a period of seven months, and looks forward to the conclusion of UNMIH's mandate at that time and to the safe, secure and orderly assumption of office by a new, constitutionally elected government;

10. Calls upon States and international institutions to continue to provide assistance to the Government and the people of Haiti as they consolidate the gains made towards democracy and stability;

11. Requests the Secretary-General to apprise the Council of progress in the fulfilment of UNMIH's mandate and, to this end, also requests the Secretary-General to report to the Council at the mid-point of this mandate;

12. Pays tribute to the Special Representative of the Secretary-General and the members and staff of UNMIH and MICIVIH for their respective contributions in assisting the Haitian people in their quest for strong and lasting democracy, constitutional order, economic prosperity and national reconciliation;

13. Decides to remain actively seized of the matter.

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Security Council

Distr.
GENERAL

S/RES/1008 (1995)
7 August 1995

RESOLUTION 1008 (1995)

Adopted by the Security Council at its 3562nd meeting,
on 7 August 1995

The Security Council,

Reaffirming its resolution 696 (1991) of 30 May 1991 and all subsequent relevant resolutions,

Having considered the report of the Secretary-General dated 17 July 1995 (S/1995/588),

Welcoming the briefing by the Secretary-General on 25 July 1995 on his recent visit to Angola,

Reaffirming its commitment to preserve the unity and territorial integrity of Angola,

Reiterating the importance it attaches to the full implementation by the Government of Angola and Uniao Nacional para a Independencia Total de Angola (UNITA) of the "Acordos de Paz" (S/22609, annex), the Lusaka Protocol (S/1994/1441, annex) and relevant Security Council resolutions,

Noting the agreement reached between the Government of Angola and UNITA on the adjusted and accelerated timetable for the implementation of the Lusaka Protocol,

Commending the continued efforts of the Secretary-General, his Special Representative, the three observer states to the Angolan peace process and the personnel of the United Nations Angola Verification Mission (UNAVEM III) to facilitate the implementation of the Lusaka Protocol and to consolidate the cease-fire and the peace process which has entered a new and promising phase,

Noting also that the situation in most of the country is fairly calm, but concerned at the number of cease-fire violations,

Welcoming the meeting in Lusaka on 6 May 1995 between the President of Angola, Mr. Jose Eduardo dos Santos, and the leader of UNITA, Mr. Jonas Savimbi, which led to the diminishing atmosphere of mistrust and intensification of high-level contacts between the Government of Angola and UNITA,

Recognizing that the progressive deployment of United Nations military and Police Observers and troops has significantly contributed to consolidation of the cease-fire,

Welcoming the commitment of the international community to assist and support the economic, social and reconstruction efforts of Angola and recognizing the importance of such assistance in sustaining a secure and stable environment,

Expressing concern at reports of human rights violations and recognizing the contribution that human rights monitors can make in building confidence in the peace process,

1. Welcomes the report of the Secretary-General dated 17 July 1995;

2. Decides to extend the mandate of UNAVEM III until 8 February 1996;

3. Commends the Government of Angola and UNITA for their commitment to the peace process and notes the progress made thus far in the implementation of the Lusaka Protocol;

4. Expresses concern at the slow pace in the implementation of the Lusaka Protocol, in particular troop disengagement, demining and the establishment of quartering areas and expects the Government of Angola and UNITA, in cooperation with UNAVEM III, to finalize arrangements for establishment of quartering areas, complete troops disengagement, and to expedite the conduct of demining;

5. Urges the Government of Angola and UNITA to adhere strictly to the revised timetable on the implementation of the Lusaka Protocol and make concerted efforts to accelerate that process;

6. Stresses the importance of the completion of the electoral process, as provided for in the Lusaka Protocol;

7. Calls upon the Government of Angola and UNITA to adopt without further delay a comprehensive and workable programme for the formation of the new armed forces, and accelerate the exchange of prisoners and the repatriation of mercenaries with a view to reinforcing the freedom of movement of people throughout the country;

8. Takes note of the progress noted by the Secretary-General in the establishment of triangular communications between the Angolan parties and UNAVEM III and requests the Government of Angola and UNITA to assign urgently liaison officers to UNAVEM III regional headquarters;

9. Urges the two parties to put an immediate and definitive end to the renewed laying of mines and to reported unauthorized movement of troops;

10. Requests the Secretary-General to continue the deployment of UNAVEM III infantry units and accelerate it as conditions for sustaining and employing troops improve, with the objective of reaching full strength as soon as possible;

11. Urges the Government of Angola and UNITA to provide UNAVEM III with the necessary information and ensure the freedom of movement of UNAVEM III, including full unimpeded access to all military facilities, to enable it effectively to discharge its mandate;

12. Requests that the Secretary-General report on his analysis on the completion of the objectives of the Lusaka Protocol and of the mandate of UNAVEM III, in light of the alterations in the timetable for deployment of UNAVEM III;

13. Stresses the need for dissemination of objective information through radio UNAVEM and for the Government of Angola to provide all facilities for the prompt functioning of the radio;

14. Stresses the importance it attaches to the disarmament of the civilian population, and urges that it begin without further delay;

15. Notes with concern increasing levels of violence perpetrated by unaffiliated groups, and calls on all parties to seek to control and disarm these threats to the peace process;

16. Authorizes the Secretary-General to increase as appropriate the strength of UNAVEM III's human rights unit;

17. Commends Member States, United Nations agencies and non-governmental organizations for their substantial contributions to meet the humanitarian needs of the Angolan people;

18. Demands that the Government of Angola and UNITA take necessary measures to ensure the safe passage of humanitarian supplies throughout the country;

19. Requests the Government of Angola to continue providing substantial contributions to the United Nations peace-keeping operations and call upon UNITA to make every effort to contribute proportionally in order to assist with the United Nations peace-keeping operation in Angola;

20. Endorses the Secretary-General's appeal and encourages donors to respond with generous and timely financial contributions to the humanitarian effort and provision of mine clearance, bridging and road repair equipment and materials and other supplies necessary for setting up the quartering areas;

21. Endorses also the Secretary-General's intention to submit a comprehensive report to the Council every two months;

22. Decides to remain actively seized of the matter.

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Security Council

Distr.
GENERAL

S/RES/1009 (1995)
10 August 1995

RESOLUTION 1009 (1995)

Adopted by the Security Council at its 3563rd meeting,
on 10 August 1995

The Security Council,

Recalling all its previous resolutions on the conflicts in the territory of the former Yugoslavia and in particular resolutions 981 (1995) of 31 March 1995, 990 (1995) of 28 April 1995 and 994 (1995) of 17 May 1995,

Reaffirming the statements of its President of 3 and 4 August 1995 (S/PRST/1995/37 and S/PRST/1995/38) and deeply concerned that the demands set out therein have not yet been fully complied with by the Government of the Republic of Croatia,

Having considered the report of the Secretary-General of 3 August 1995 (S/1995/650) and his letter of 7 August 1995 (S/1995/666),

Noting with concern reports of violations of resolution 713 (1991) of 25 September 1991 as reflected in the Secretary-General's report of 3 August 1995,

Deeply regretting the breakdown of the talks which began in Geneva on 3 August 1995,

Affirming its commitment to the search for an overall negotiated settlement of the conflicts in the former Yugoslavia ensuring the sovereignty and territorial integrity of all the States there within their internationally recognized borders, stressing the importance it attaches to the mutual recognition thereof, and in this context welcoming all international efforts to facilitate a negotiated solution to the conflict in the Republic of Croatia,

Strongly deploring the broad military offensive launched on 4 August 1995 by the Government of the Republic of Croatia, thereby unacceptably escalating the conflict, with the risk of further consequent attacks by whatever party,

Condemning the shelling of civilian targets,

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Deeply concerned at the grave situation of persons displaced from their homes as a result of the conflict and at reports of violations of international humanitarian law,

Stressing the need to protect the rights of the local Serb population,

Condemning in the strongest terms the unacceptable acts by Croatian Government forces against personnel of the United Nations peace-keeping forces, including those which have resulted in the death of a Danish member of those forces and two Czech members and expressing its condolences to the Governments concerned,

Noting the agreement between the Republic of Croatia and the United Nations Peace Forces signed on 6 August 1995 (S/1995/666, annex III) and stressing the need for the Government of the Republic of Croatia to adhere strictly to its provisions,

Reaffirming its determination to ensure the security and freedom of movement of the personnel of the United Nations peace-keeping operations in the territory of the former Yugoslavia, and, to these ends, acting under Chapter VII of the Charter of the United Nations,

1. Demands that the Government of the Republic of Croatia cease immediately all military actions and that there be full compliance with all Council resolutions, including resolution 994 (1995);

2. Demands further that the Government of the Republic of Croatia, in conformity with internationally recognized standards and in compliance with the agreement of 6 August 1995 between the Republic of Croatia and the United Nations Peace Forces (a) respect fully the rights of the local Serb population including their rights to remain, leave or return in safety, (b) allow access to this population by international humanitarian organizations, and (c) create conditions conducive to the return of those persons who have left their homes;

3. Reminds the Government of the Republic of Croatia of its responsibility to allow access for representatives of the International Committee of the Red Cross to members of the local Serb forces who are detained by the Croatian Government forces;

4. Reiterates that all those who commit violations of international humanitarian law will be held individually responsible in respect of such acts;

5. Requests the Secretary-General in cooperation with the United Nations High Commissioner for Refugees, the United Nations High Commissioner for Human Rights, the International Committee of the Red Cross and other relevant international humanitarian institutions to assess the humanitarian situation of the local Serb population including the problem of refugees and displaced persons, and to report thereon as soon as possible;

6. Demands that the Government of the Republic of Croatia fully respect the status of United Nations personnel, refrain from any attacks against them, bring to justice those responsible for any such attacks, and ensure the safety

and freedom of movement of United Nations personnel at all times, and requests the Secretary-General to keep the Council informed of steps taken and decisions rendered in this regard;

7. Urges the parties and others concerned to exercise maximum restraint in and around Sector East and requests the Secretary-General to keep the situation there under review;

8. Reminds all parties of their obligation to comply fully with the provisions of resolution 816 (1993) of 31 March 1993;

9. Reiterates its call for a negotiated settlement which guarantees the rights of all communities and urges the Government of the Republic of Croatia to resume talks under the auspices of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia;

10. Requests the Secretary-General to report to the Council within three weeks of the adoption of this resolution on the implementation of this resolution and on the implications of the situation for UNCRO and expresses its readiness to consider promptly his recommendations in relation to UNCRO;

11. Decides to remain actively seized of the matter and to consider further measures to achieve compliance with this resolution.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/RES/1010 (1995)
10 August 1995

RESOLUTION 1010 (1995)

Adopted by the Security Council at its 3564th meeting,
on 10 August 1995

The Security Council,

Recalling all its earlier relevant resolutions, and reaffirming its resolution 1004 (1995) of 12 July 1995,

Reaffirming also the statements of its President of 20 and 25 July 1995 (S/PRST/1995/33 and S/PRST/1995/34), and deeply concerned that the demands set out therein have not been fully complied with by the Bosnian Serb party,

Reiterating the unacceptability of the violation of the safe areas of Srebrenica and Zepa by Bosnian Serb forces,

Reaffirming its commitment to the sovereignty, territorial integrity and independence of the Republic of Bosnia and Herzegovina,

Affirming its commitment to the search for an overall negotiated settlement of the conflicts in the former Yugoslavia ensuring the sovereignty and territorial integrity of all the States there within their internationally recognized borders, and stressing the importance it attaches to the mutual recognition thereof,

Deeply concerned at reports of grave violations of international humanitarian law in and around Srebrenica and at the fact that many of the former inhabitants of Srebrenica cannot be accounted for,

Concerned also at the plight of the civilian population and other persons protected under international humanitarian law, originating in the Zepa area,

Expressing its strong support for the efforts of the International Committee of the Red Cross (ICRC) in seeking access to displaced persons and condemning the failure of the Bosnian Serb party to comply with their commitments to the ICRC in respect of such access,

1. Demands that the Bosnian Serb party give immediate access for representatives of the United Nations High Commissioner for Refugees, the ICRC and other international agencies to persons displaced from Srebrenica and Zepa who are within the areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, and that the Bosnian Serb party permit representatives of the ICRC to visit and register any persons detained against their will, including any members of the forces of the Republic of Bosnia and Herzegovina;

2. Also demands that the Bosnian Serb party respect fully the rights of all such persons and ensure their safety, and urges that any persons detained be released;

3. Reiterates that all those who commit violations of international humanitarian law will be held individually responsible in respect of such acts;

4. Requests the Secretary-General to report to the Council as soon as possible, and no later than 1 September 1995 with any information available to United Nations personnel regarding compliance with this resolution and concerning violations of international humanitarian law;

5. Decides to remain seized of the matter.

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Security Council

Distr.
GENERAL

S/RES/1011 (1995)
16 August 1995

RESOLUTION 1011 (1995)

Adopted by the Security Council at its 3566th meeting,
on 16 August 1995

The Security Council,

Recalling all its previous resolutions on the situation in Rwanda, in particular its resolutions 918 (1994) of 17 May 1994, 997 (1995) of 9 June 1995 and 1005 (1995) of 17 July 1995,

Having considered the report of the Secretary-General on monitoring of the restrictions on the sale or supply of arms dated 9 July 1995 (S/1995/552),

Having also considered the progress report of the Secretary-General on the United Nations Assistance Mission for Rwanda (UNAMIR) dated 8 August 1995 (S/1995/678),

Emphasizing that the uncontrolled circulation of arms, including to civilians and refugees, is a major cause of destabilization in the Great Lakes subregion,

Welcoming the proposal of the Government of Zaire to establish an international commission under United Nations auspices to investigate reports of arms supplies to former Rwandan government forces,

Recognizing that the registration and marking of weapons are of considerable assistance in monitoring and enforcing restrictions on the illicit deliveries of weapons,

Noting with great concern reports of military preparations and increasing incursions into Rwanda by elements of the former regime and underlining the need for effective measures to ensure that Rwandan nationals currently in neighbouring countries, including those in camps, do not undertake military activities aimed at destabilizing Rwanda or receive arms supplies, in view of the great likelihood that such arms are intended for use within Rwanda,

Stressing the need for representatives of all sectors of Rwandan society, excluding those political leaders suspected of planning and directing the genocide last year, to begin talks in order to reach an agreement on a constitutional and political structure to achieve lasting stability,

Taking note of the letter dated 5 July 1995 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council (S/1995/547), requesting urgent action to lift the restrictions on the sale or supply of arms and matériel to the Government of Rwanda to ensure the security of the Rwandan population,

Welcoming the improvement in the working relations between the Government of Rwanda and UNAMIR and recalling the mandate of UNAMIR, as adjusted in resolution 997 (1995), in particular to help achieve national reconciliation,

Recalling that the prohibition on the delivery of arms and matériel to Rwanda was originally aimed at stopping the use of such arms and equipment in the massacres of innocent civilians,

Taking note of the Council's decision in resolution 997 (1995) to reduce the force level of UNAMIR, and reaffirming that the security of that country is the primary responsibility of the Government of Rwanda,

Deeply concerned by the situation in Rwanda's prisons and judicial system, particularly overcrowding, the lack of judges, detention of minors and elderly prisoners, and absence of speedy judicial or administrative review of charges, and in this respect, welcoming renewed efforts by the United Nations and donor countries, in coordination with the Government of Rwanda, to initiate, on an urgent basis, measures to improve this situation,

Underlining the need for increased efforts by the Government of Rwanda in the promotion of a climate of stability and trust in order to facilitate the return of Rwandan refugees in neighbouring countries,

A

1. Commends the efforts of the Secretary-General and his Special Envoy in pursuing regional responses to the problem of illicit arms supplies in the region and encourages the Secretary-General to continue his consultations in this regard;

2. Requests the Secretary-General, as proposed in paragraph 45 of his report (S/1995/678), to make recommendations to the Security Council, as soon as possible, on the establishment of a Commission mandated to conduct a full investigation to address allegations of arms flows to former Rwandan government forces in the Great Lakes region of Central Africa;

3. Calls upon the Governments of Rwanda and neighbouring States to cooperate with the Commission's investigation;

4. Encourages the Secretary-General to continue his consultations with the Governments of neighbouring States concerning the deployment of United Nations military observers in the airfields and other transportation points in

and around border crossing points and calls on the neighbouring States to cooperate with and assist these observers to ensure that arms and related matériel are not transferred to Rwandan camps within their territories;

5. Requests the Secretary-General to report to the Council within one month of the adoption of this resolution on his efforts for the preparation and convening, at the earliest possible time, of the regional Conference on Security, Stability and Development, as well as for the convening of a regional meeting to address the problems facing the repatriation of refugees;

6. Calls upon the Government of Rwanda to continue its efforts to create an atmosphere of trust and confidence for the safe return of refugees and take further steps to resolve the humanitarian problems in its prisons, and to expedite disposition of the charges against those detained;

B

Acting under Chapter VII of the Charter of the United Nations,

7. Decides that, with immediate effect and until 1 September 1996, the restrictions imposed by paragraph 13 of resolution 918 (1994) shall not apply with regard to the sale or supply of arms and related matériel to the Government of Rwanda through named points of entry on a list to be supplied by that Government to the Secretary-General, who shall promptly notify all Member States of the United Nations of the list;

8. Decides also that on 1 September 1996 the restrictions imposed by paragraph 13 of resolution 918 (1994) on the sale or supply of arms and related matériel to the Government of Rwanda shall terminate, unless the Council decides otherwise after its consideration of the second report of the Secretary-General referred to in paragraph 12 below;

9. Further decides, with a view to prohibiting the sale and supply of arms and related matériel to non-governmental forces for use in Rwanda, that all States shall continue to prevent the sale or supply, by their nationals or from their territories or using their flag vessels or aircraft, of arms and related matériel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary police equipment and spare parts, to Rwanda, or to persons in the States neighbouring Rwanda if such sale or supply is for the purpose of the use of such arms or matériel within Rwanda, other than to the Government of Rwanda as specified in paragraphs 7 and 8 above;

10. Decides also that no arms or related matériel sold or supplied to the Government of Rwanda may be resold to, transferred to, or made available for use by, any State neighbouring Rwanda, or person not in the service of the Government of Rwanda, either directly or indirectly;

11. Further decides that States shall notify all exports from their territories of arms or related matériel to Rwanda to the Committee established by resolution 918 (1994), that the Government of Rwanda shall mark and register and notify to the Committee all imports made by it of arms and related matériel, and that the Committee shall report regularly to the Council on notifications so received;

12. Requests the Secretary-General to report to the Council within 6 months of the date of adoption of this resolution, and again within 12 months, regarding, in particular, the export of arms and related matériel referred to in paragraph 7 above, on the basis of the reports submitted by the Committee established by resolution 918 (1994);

13. Decides to remain actively seized of the matter.

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Security Council

Distr.
GENERAL

S/RES/1012 (1995)
28 August 1995

RESOLUTION 1012 (1995)

Adopted by the Security Council at its 3571st meeting,
on 28 August 1995

The Security Council,

Having considered the report of the Preparatory Fact-finding Mission to Burundi dated 20 May 1994 (S/1995/157),

Having further considered the report of the Security Council's mission to Burundi dated 9 March 1995 (S/1995/163),

Recalling the statement by the President of the Council of 29 March 1995 (S/PRST/1995/13), in which the Council, inter alia, underlined the role that could be played in Burundi by an international commission of inquiry into the 1993 coup attempt and into the massacres that followed,

Welcoming the letter of the Secretary-General to the President of the Council dated 28 July 1995 (S/1995/631) recommending that such a commission of inquiry should be created by resolution of the Council,

Taking into account the initiative of the Government of Burundi in calling for the establishment of an international judicial commission of inquiry as referred to in the Convention of Government (S/1995/190, annex),

Recalling also the letter of the Permanent Representative of Burundi (S/1995/673) dated 8 August 1995 noting with interest the letter of the Secretary-General of 28 July 1995,

Taking note that the parties in Burundi, in the Convention of Government, agreed, without prejudice to the outcome of the independent national and international investigations, to call the massacres which followed the assassination of the President of Burundi on 21 October 1993 genocide,

Deeply concerned that impunity creates contempt for law and leads to violations of international humanitarian law,

Expressing once again its grave concern at reports indicating that systematic, widespread and flagrant violations of international humanitarian law have been committed in Burundi,

Stressing the importance of strengthening, in cooperation with the Government of Burundi, the Burundi judicial system,

Reiterating its profound concern over the resumption of radio broadcasts inciting ethnic hatred and violence and recognizing the need for ending such broadcasts,

Recalling that all persons who commit or authorize the commission of serious violations of international humanitarian law are individually responsible for these violations and should be held accountable,

1. Requests the Secretary-General to establish, as a matter of urgency, an international commission of inquiry, with the following mandate:

(a) To establish the facts relating to the assassination of the President of Burundi on 21 October 1993, the massacres and other related serious acts of violence which followed;

(b) To recommend measures of a legal, political or administrative nature, as appropriate, after consultation with the Government of Burundi, and measures with regard to the bringing to justice of persons responsible for those acts, to prevent any repetition of deeds similar to those investigated by the commission and, in general, to eradicate impunity and promote national reconciliation in Burundi;

2. Recommends that the international commission of inquiry be composed of five impartial and internationally respected, experienced jurists who shall be selected by the Secretary-General and shall be furnished with adequate expert staff, and that the Government of Burundi be duly informed;

3. Calls upon States, relevant United Nations bodies and, as appropriate, international humanitarian organizations to collate substantiated information in their possession relating to acts covered in paragraph 1 (a) above, to make such information available as soon as possible and to provide appropriate assistance to the commission of inquiry;

4. Requests the Secretary-General to report to the Council on the establishment of the commission of inquiry, and further requests the Secretary-General, within three months from the establishment of the commission of inquiry, to submit an interim report to the Council on the work of the commission and to submit a final report when the commission completes its work;

5. Calls upon the Burundi authorities and institutions, including all Burundi political parties, to fully cooperate with the international commission of inquiry in the accomplishment of its mandate, including responding positively to requests from the commission for security, assistance and access in pursuing investigations, including:

(a) Adoption by the Government of Burundi of any measures needed for the commission and its personnel to carry out their functions throughout the national territory with full freedom, independence and security;

(b) Provision by the Government of Burundi of all information in its possession which the commission requests or is otherwise needed to carry out its mandate and free access for the commission and its staff to any official archives related to its mandate;

(c) Freedom for the commission to obtain any information the commission considers relevant and to use all sources of information which the commission considers useful and reliable;

(d) Freedom for the commission to interview, in private, any persons the commission judges necessary;

(e) Freedom for the commission to visit any establishment or place at any time;

(f) Guarantee by the Government of Burundi of full respect for the integrity, security and freedom of witnesses, experts and any other persons who help the commission in its work;

6. Calls upon all States to cooperate with the commission in facilitating its investigations;

7. Requests the Secretary-General to provide adequate security for the commission in cooperation with the Government of Burundi;

8. Requests the Secretary-General to establish, as a supplement to financing as an expense of the Organization, a trust fund to receive voluntary contributions to finance the commission of inquiry;

9. Urges States and intergovernmental and non-governmental organizations to contribute funds, equipment and services to the commission of inquiry including the offer of expert personnel in support of the implementation of this resolution;

10. Decides to remain actively seized of the matter.